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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,287	09/19/2003	Junichi Rekimoto	112857-434	8626

7590 02/09/2007
Bell, Boyd & Lloyd, LLC
P.O. Box 1135
Chicago, IL 60690-1135

EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/667,287

Applicant(s)

REKIMOTO, JUNICHI

Examiner

Ba Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said other level context" lacks clear antecedent basis.

Claims 7-9 are rejected as failing to support for "dynamically attaching data item to a physical environment" limitations as recited in the preamble of the claims.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases "image data regarding said surrounding contexts is sent for storing" lacks of support since the image data have not been captured.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. The phrases “the second apparatus” and “the third apparatus” lack clear antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,2, 4-6, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #5,971,589 (Hazama et al).

- As for claims 1, 4, 6: Hazama et al (hereinafter Hazama) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment, the steps/means for: capturing surrounding contexts including location level context, visual data, audio data, position context and object level context (75:27-56),

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wherein the location level context and other level context are sensed by different types of sensing means (74:5-23, 29-34; 75:36-38, 49-56); receiving input data item from said surrounding contexts; and attaching said data item to said surrounding contexts (74:29-62).

- As for claim 2: Data item are registered as being related to said surrounding contexts (73:59-61, 74:24-26).
- As for claim 5: The capturing step is continuously performed so that surrounding contexts are always captured (74:10-12, 75:36-38).
- As for claim 8: Captured image data is sent for storage (73:59-61, 74:24-29, 75:1-26)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,971,589 (Hazama et al).

- As for claim 3: Hazama fails to clearly teach that the data item related to said surrounding contexts includes time information designated to future and past time. However, it appears that the time information as recited is non-function descriptive information. It would have been obvious to one of skill in the art, at the time the invention was made, to further add time information designating future and past time

to Hazama. Motivation of the combining to is indicate a time schedule in the sheet metal manufacturing process.

- As for claims 7, 9-10: Hazama et al (hereinafter Hazama) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment, the steps/means for: capturing surrounding contexts including location level context, visual data, audio data, position context and object level context (75:27-56), wherein the location level context and other level context are sensed by different types of sensing means (74:5-23, 29-34; 75:36-38, 49-56); receiving input data item from said surrounding contexts; the captured surrounding context can be stored and retrieved by the user (73:59-62, 74:24-29, 75:16-20, 27-30) and attaching said data item to said surrounding contexts (74:29-62). Hazama fails to clearly teach that the captured surrounding context includes time data. However, it appears that the time information as recited is non-functional descriptive information. It would have been obvious to one of skill in the art, at the time the invention was made, to further add capturing time data to Hazama. Motivation of the combining to is indicate a time schedule in the sheet metal manufacturing process. Inputting keyword and text for storing and retrieving is inherently included in Hazama's teaching of storing and retrieving. Retrieving information based on location and time is well known in the art. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the location and time attribute as storing and retrieving keys. Motivation of the combining is for the flexibility of data retrieval.

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- As for claim 11: Hazama discloses a network comprising second and third computers (fig 1B).

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179

**BA HUYNH
PRIMARY EXAMINER**